



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :

LE PAGE, R.W.F., et al.

Serial No.: 09/769,744

Filed: January 26, 2001

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Examiner: Devi, S.

Group Art Unit: 1645

For: NUCLEIC ACIDS AND PROTEINS FROM STREPTOCOCCUS PNEUMONIAE

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

Washington, D.C. 20231

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Response to Office Action Restriction Requirement (Paper No. 15)

Sir,

Responsive to the non-final office action (the restriction requirement) mailed December 04, 2002, please consider the following remarks and provisional election. A petition for a one (1) month extension of time with the requisite fee is filed herewith, and it is believed that no further fees are required. However, the Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16 and 1.17 (except the Issue Fee) which may be required now or hereafter, or credit any overpayment, to Deposit Account No. 50-0206.

Introduction

Claims 1-20 are currently pending in this application.

REMARKS

Restriction Requirement

The Examiner required restriction of the pending claims under 35 U.S.C. § 121 between one of the following inventions:

- 1.) Claims 1, 6 and 10 drawn to a *Streptococcus pneumoniae* protein or polypeptide shown in Table 1 or a fragment thereof, classified in class 530, subclass 350;